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HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER GEBRIEL, SELAM T	
			ART UNIT 2622	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 – 14 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

2. The double patenting rejection has been withdrawn due to the abandonment of USSN 10/678,209.

3. The examiner acknowledges the added NEW claims 15 – 17.

4. Regarding claim 1, as for applicant assertion that "Sato does not teach 'user-operable first image control means for electronically controlling the position of the first image (Image downloaded electronically) in the combined picture' as amended claim 1".

The examiner respectfully disagrees. Page 4, Section 0050 and Figure 4 of Sato discloses "the image selected and received by the user for the tourist spot information server 45 is displayed on the display 28, and the user cuts and selects a necessary part by operating the information input device 24 and designates a range in which the received image is combined with the optically captured image.

5. Regarding claim 9, as for applicant assertion that "the composition being controlled both by change the direction of the camera to change the second image and by electronically controlling the position of the first image in the combined picture".

The examiner respectfully disagrees. Page 4, Section 0059 of Sato discloses “when a newly optically-captured image (Second image of this application) is combined with the received image, a mode for performing the imaging operation is selected to optically capture an image”. Since a newly optically-captured image is possible and since it a new image the position of the camera has to be changed to make the image captured new. Therefore as the user of Sato’s camera captured new images the position of the camera is known to be changed to a new position.

6. Regarding the newly added claim 17, See comment above and see claim rejection below.

Claim Objections

7. Claim15 is objected to because of the following informalities: Since claim 15 is not one of the original claims presented, it should be labeled as NEW.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2622

9. Claims 1 – 8, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (US 2001/0024236 A1) in view of Applicant Admitted Prior Art or AAPA (US 2004/0119850 A1)

10. Regarding claim 1, Sato discloses a camera (Figure 1, Element 10) comprising:

A first subsystem (Figure 1, Element 32) for electronically downloading, from externally of the camera,(Page 2 and 3, Paragraph 0034);

A second subsystem (Figure 1, Element 12) for converting an optically-input second image into second digital image data which changes as the scene pointed to by the camera changes (Page 2 and 3, Paragraph 0034);

An image-combining arrangement (Figure 1, Element 26, 16 and 28) for forming a combined picture by combining the images represented by the first image data and the current second image data, the image-combining arrangement (Figure 1, Element 26, 16 and 28) including a display (Figure 1, Element 28) for viewing the combined picture and user-operable first-image control means for (Figure 1, Element 20, 21, 22 and 24) electronically controlling the positioning of the first image in the combined picture (Figure 4, Figure 9, Page 4, and 5, Paragraph 0050, and Paragraph 0078 and Page 2 and 3, Paragraph 0034); and

A picture storage arrangement responsive to user input to store said combined picture (Figure 9, S228, Page 5, Paragraph 0078).

Sato does not disclose a first digital image data representing a first image from an inductively-powered memory module when juxtaposed the latter.

However AAPA discloses memory modules 22 and an interface 12 are known in the art (Page 2, Paragraph 0020).

Therefore it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the external source of Sato with an inductively powered memory module. The motivation to do so is that when using an inductively powered memory module, the need for power source like AC power or battery for the memory module 22 is eliminated. For example, supplying power to the memory module 22 using an AC power is difficult, since the position or location of the memorial 20 is a place where people could easily access it, which is for the most part outside since the size of most memorials are big. It would be difficult to have an electric outlet to plug the electrical cord and it will be a safety hazard with all the electric cord hanging. It also possible to use a battery but it needs to be replaced from time to time which is not cost effective. Therefore it would make more sense to uses an inductively powered memory module since it safer and cost effective.

11. Regarding claim 2, Sato in view of AAPA further discloses a camera according to claim 1, wherein the first-image control means is arranged to incrementally control the positioning of the first image in the combined picture (Figure 9, S224, Page, Paragraph 0060, The user of the camera is one that set the combined position of the optically-captured image therefore the user has the option to position the optically-captured image in foreground relation with the received image or in background with the received images).

Art Unit: 2622

12. Regarding claim 3, Sato in view of AAPA further discloses a camera according to claim 1, wherein the first subsystem is arranged to store said first image data on a temporary basis with currently-stored first image data being replaced by any new first image data downloaded to the camera (Page 3, Paragraph 0035 and 0044, only image selected by the user is downloaded in camera, that means once the received image is combined with the optically-captured image it is recorded or saved in the recording medium, that way the image is saved in the working memory on a temporary basis , or the received image can also be recorded in RAM provided in the information processing device 26).

13. Regarding claim 4, Sato in view of AAPA further discloses a camera according to claim 1, wherein the image-combining arrangement is arranged to place the first image in foreground relation with the second image (Figure 9, S224, Page 4, Paragraph 0060, The user of the camera is one that set the combined position of the optically-captured image therefore the user has the option to position the optically-captured image in foreground relation with the received image or in background with the received images).

14. Regarding claim 5, Sato in view of AAPA further discloses a camera according to claim 1, wherein the image-combining arrangement is arranged to place the first image in background relation with the second image (Figure 9, S224, Page 4, Paragraph 0060, The user of the camera is one that set the combined position of the optically-captured

image therefore the user has the option to position the optically-captured image in foreground relation with the received image or in background with the received images).

15. Regarding claim 6, Sato in view of AAPA further discloses a camera according to claim 1, wherein the first subsystem comprises an interface for reading the first image data from a memory module installed in the environment (Page 4, Paragraph 0055, 0056).

16. Regarding claim 7, Sato in view of AAPA further discloses a camera according to claim 1, wherein the first subsystem comprises (Figure 1, Element 32) means for reading a reference stored in the local environment and for using the reference to wirelessly retrieve said first image data (Page 6, Paragraph 0085 and 0086 and Page 3, Paragraph 0037).

17. Regarding claim 8, Sato in view of AAPA further discloses a camera according to claim 1, wherein the first subsystem comprises means for deriving the location of the camera and for using this location to wirelessly retrieve said first image data (Figure 9, Page 6, Paragraph 0085 and 0086).

18. Regarding claim 15, Sato in view of AAPA further disclose a camera according to claim 1, wherein user-operable first-image control means is arranged to permit the size

Art Unit: 2622

of the first image in the combined picture to be electronically controlled (Page 4, Section 0050, and See Figure 4).

19. Regarding claim 17, Sato disclose a system (Figure 2) comprising

A camera (Figure 1, Element 10), and

The camera comprising:

A first sub system (Figure 1, Element 32) which is external to camera and which stores the first digital image data representing a first image (Paragraph 0050, and Paragraph 0078 and Page 2 and 3, Paragraph 0034).

A second subsystem (Figure 1, Element 12) for converting an optically-input second image into second digital image data which changes as the scene pointed to by the camera changes (Paragraph 0050, and Paragraph 0078 and Page 2 and 3, Paragraph 0034);

An image-combining arrangement (Figure 1, Element 26, 16 and 28) for forming a combined picture by combining the images represented by the first image data and the current second image data, the image-combining arrangement (Figure 1, Element 26, 16 and 28) including a display (Figure 1, Element 28) for viewing the combined picture and user-operable first-image control means (Figure 1, Element 20, 21, 22 and 24) for electronically controlling the positioning of the first image in the combined picture (Figure 4, Figure 9, Page 4, and 5, Paragraph 0050, and Paragraph 0078 and Page 2 and 3, Paragraph 0034); and

A picture storage arrangement responsive to user input to store said combined picture (Figure 9, S228, Page 5, and Paragraph 0078).

Sato does not disclose the system comprising an inductively-powered memory module which is external to the camera and which stores first digital image data representing a first image and doesn't disclose the first subsystem for inductively powering the memory module to download the first digital image data therefrom

However AAPA discloses memory modules 22 and an interface 12 are known in the art (Page 2, Paragraph 0020).

Therefore it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the external source of Sato with an inductively powered memory module. The motivation to do so is that when using an inductively powered memory module, the need for power source like AC power or battery for the memory module 22 is eliminated. For example, supplying power to the memory module 22 using an AC power is difficult, since the position or location of the memorial 20 is a place where people could easily access it, which is for the most part outside since the size of most memorials are big. It would be difficult to have an electric outlet to plug the electrical cord and it will be a safety hazard with all the electric cord hanging. It also possible to use a battery but it needs to be replaced from time to time which is not cost effective. Therefore it would make more sense to uses an inductively powered memory module since it safer and cost effective.

Claim Rejections - 35 USC § 102

20. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

21. Claims 9 – 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato (US 2001/0024236 A1).

22. Regarding claim 9, Sato a method of capturing a composite picture using a camera, comprising:

Electronically downloading to the camera first digital image data representing a first image (Page 2 and 3, Paragraph 0034);

Converting an optically-input second image into second digital image data which changes as the scene pointed to by the camera changes (Page 2 and 3, Paragraph 0034);

Forming a combined picture at the camera by combining the images represented by the first image data and the current second image data, the combined picture being displayed and its composition being controlled both by changing the direction of the camera to change the second image and by electronically controlling the positioning of the first image in the combined picture (Figure 4, Figure 9, Page 5, Paragraph 0078 and Page 2 and 3, Paragraph 0034); and

Storing said combined picture (Page 2 and 3, Paragraph 0034).

23. Regarding claim 10, Sato further discloses a method according to claim 9, wherein in the combined picture the first image is placed in foreground relation with the second image (Figure 9, S224, Page 4, Paragraph 0060, The user of the camera is one that set the combined position of the optically-captured image therefore the user has the option to position the optically-captured image in foreground relation with the received image or in background with the received images).

24. Regarding claim 11, Sato further discloses a method according to claim 9, wherein in the combined picture the first image is placed in background relation with the second image (Figure 9, S224, Page 4, Paragraph 0060, The user of the camera is one that set the combined position of the optically-captured image therefore the user has the option to position the optically-captured image in foreground relation with the received image or in background with the received images).

25. Regarding claim 12, Sato further discloses a method according to claim 9, wherein the first image data is downloaded from a memory module installed in the environment (Page 3, Paragraph 0037 and Page 6, Paragraph 0085 and 0086).

26. Regarding claim 13, Sato further discloses a method according to claim 9, wherein the first image data is downloaded over a wireless connection using an image

Art Unit: 2622

reference read from the local environment (Page 3, Paragraph 0037 and Page 6, Paragraph 0085 and 0086).

27. Regarding claim 14, Sato further discloses a method according to claim 9, wherein the location of the camera is determined and used as a reference for retrieving the first image data over a wireless connection (Page 6, Paragraph 0085 and 0086).

28. Regarding claim 16, a method according to claim 9, wherein the size of the first image in the combined picture is electronically changed prior to storage of the combined image (Page 4, Section 0050 and 0056, and See Figure 6 Step 120, 122, and 124 so, the images are combined before they are stored).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2622

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SELAM T. GEBRIEL whose telephone number is (571)270-1652. The examiner can normally be reached on Monday-Thursday 7.30am-5.00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu NgocYen can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Selam T Gebriel/
Examiner, Art Unit 2622
Tuesday, September 23, 2008

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Supervisory Patent Examiner, Art Unit 2622*

Application/Control Number: 10/678,210
Art Unit: 2622

Page 14